

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 M) for Section 851 Approval of Agreements
Allowing Access to Electric Distribution Facilities
for the Installation and Maintenance of
Telecommunications Equipment.

Application 00-12-026
(Filed December 19, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING PROTESTANTS' STANDING
TO CHALLENGE APPLICATION 00-12-026**

In Application (A.) 00-12-026, Pacific Gas and Electric Company (PG&E) asks the Commission to approve 13 agreements for the lease of space on PG&E's utility poles and in PG&E's underground facilities. AT&T Communications of California, Inc., XO California, Inc., and the California Cable Television Association (collectively, "Protestants") filed a joint protest to A.00-12-026 on January 22, 2001.¹ In their protest, the Protestants allege certain facts constituting the grounds for their protest, state the effect that the application, if approved, would have on the Protestants, and specify the reasons they believe the application should be denied. In its reply filed on February 1, 2001, PG&E asserts that the Protestants lack standing to participate in this proceeding.

¹ Rule 44.1 of the Commission's Rules of Practice and Procedure (Rule) states that a protest must be filed 30 days from the date that notice of the application first appears in the Daily Calendar. Notice of A.00-12-026 appeared in the Daily Calendar on December 21, 2000. Since the 30th day following December 21, 2000, was Saturday, January 20, 2001, protests to A.00-12-026 were due no later than Monday, January 22, 2001, pursuant to Rule 3.2.

Rule 44.2 states, in relevant part, as follows:

A protest must state the facts constituting the grounds for the protest, the effect of the application on the protestant, and the reasons the protestant believes the application, or part of it, is not justified.

The Protestants have met the requirements of Rule 44.2. Accordingly, the Protestants have standing to participate in this proceeding.

Therefore, **IT IS RULED** that AT&T Communications of California, Inc., XO California, Inc., and the California Cable Television Association have standing to participate in this proceeding.

Dated November 6, 2001, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Protestants' Standing to Challenge Application 00-12-026 on all parties of record in this proceeding or their attorneys of record.

Dated November 6, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH
Jacqueline Gorzoch

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.